

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

In re: **Nicholas D. Schrantz**

Ch 13 Case No. 21-10087 - **CLB**

NOTICE AND MOTION TO AVOID JUDICIAL LIEN

SUBMITTED ON THE PAPERS

PLEASE TAKE NOTICE that the undersigned moves this Court on the 4th day of March, 2021 at 12:00 p.m. or as soon thereafter as counsel can be heard, at Gerace Office Building, Legislative Chambers, 3rd Floor, North Erie Street, Mayville, NY 14757 for an Order pursuant to 11 U.S.C. 522(f) avoiding the Judicial Lien of Evergreen Bank Group d/b/a Freedom Road Financial, which impairs the Debtor's homestead exemption, and for such further and additional relief as the Court deems just and proper.

Nicholas D. Schrantz (the "Debtor"), by and through undersigned counsel, Thomas Denny Esq., files this Motion to Avoid the Judicial Lien of Evergreen Bank Group d/b/a Freedom Road Financial, and states as follows:

1. The Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code on January 29, 2021.
2. At the time of filing of said petition, the Debtor was the owner in fee simple absolute of the real property located at and commonly known as 9714 Wilson Rd., Fredonia, NY 14063.
3. Said property was duly listed on Petitioner's Schedule of Assets as his homestead, and the fair market value of said homestead is \$69,353, as set forth in the petition (*See Exhibit A*).
4. At the time of filing there was, and remains, an outstanding purchase money mortgage in favor of Lake Shore Savings Bank, with a principal balance due and owing of approximately \$29,586.92 (*See Exhibit B*).
5. That, on or about February 14, 2019, Supreme Court of the State of New York entered a judgment in the amount of \$5,099.92 in favor of the Respondents and against the Movant, and was entitled EVERGREEN BANK GROUP D/B/A FREEDOM ROAD FINANCIAL vs. NICHOLAS SCHRANTZ.
6. That, pursuant to statutory authority, said judgment was duly recorded as a lien against the property herein of the Movant. A copy of said judgment is attached hereto and continues as a lien against Debtor's homestead (*See Exhibit C*).
7. The judgment impairs the exemption to which the Debtor is entitled under 11 U.S.C. §522 et seq., so that Debtor has the right to avoid such lien pursuant to 11 U.S.C. §522(f).

WHEREFORE, the Debtor respectfully requests that the Court enter an order avoiding the Lien and for such other and further relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: February 6, 2021

Thomas Denny Esq
By: /s/Thomas Denny Esq
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